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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Criminal No. CR 09-0379 MHP
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME
)	
KELLY THOMAS,)	
)	
Defendant.)	

The above-captioned matter came before the Court on April 17, 2009, for initial appearance on the indictment. The defendant was represented by Rita Bosworth, Esq., and the government was represented by Jeffrey Finigan, Assistant United States Attorney. The matter was continued to May 4, 2009, at 10:00 a.m. for initial appearance before the Hon. Marilyn Hall Patel, United States District Court Judge.

The Court made a finding that the time from and including April 17, 2009, through and including May 4, 2009, should be excluded under the Speedy Trial Act, 18 U.S.C.

STIPULATION AND [PROPOSED]
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§ 3161(h)(7)(A), because the ends of justice served by taking such action outweighed the best interest of the public and the defendant in a speedy trial. The finding was based on the need for the defendant to have reasonable time necessary for effective preparation and for continuity of counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv).

The parties hereby agree to and request that the case be continued until May 4, 2009, and that the exclusion of time until then be granted. The parties agree and stipulate that the additional time is appropriate and necessary under Title 18, United States Code, § 3161(h)(7)(A), because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial. This time exclusion will allow defense counsel to effectively prepare, taking into account the exercise of due diligence, and will provide for continuity of counsel for the defendant.

DATED: 4/20/2009

/s/
 RITA BOSWORTH
 Counsel for Kelly Thomas

DATED: 4/20/2009

/s/
 JEFFREY R. FINIGAN
 Assistant U.S. Attorney

So ordered.

DATED: April 21, 2009

BERNARD ZIMMERMAN
 UNITED STATES MAGISTRATE JUDGE

